Execution of the judgments of the European Court of Human Rights
in cases nos. 37782/21 – *Z v*. *the Czech Republic*

and 10145/22 – *Y v*. *the Czech Republic*

Action Report submitted by the Czech Government on 5 September 2025

In its judgments in cases of *Z v. the Czech Republic* of 20 June 2024 and *Y v. the Czech Republic* of 12 December 2024, which both became final in accordance with Article 44 § 2 (b) of the Convention, the European Court of Human Rights (“the Court”) held that there was a violation of Articles 3 and 8 of the Convention due to the failure of domestic authorities to effectively apply a penal system capable of punishing non-consensual sexual acts. In particular, the Court emphasized that the authorities did not sufficiently examine the possibility that the applicants might have been in a situation of a special vulnerability and dependence vis-à-vis the alleged perpetrators who were in both cases Catholic priests.

The present action report covers both these judgments and replaces the action report submitted by the Government on 19 March 2025 in the case of *Z v. the Czech Republic*. It is intended to inform the Committee of Ministers of both individual and general measures that have been adopted to properly execute the above judgments.

I. Individual measures

In the case of *Z v. the Czech Republic*, the just satisfaction awarded by the Court in the amount of EUR 26 000 was paid to the applicant on 8 November 2024. In the case of *Y v. the Czech Republic*, the just satisfaction awarded by the Court in the amount of EUR 29 000 was paid to the applicant on 3 June 2025.[[1]](#footnote-1)

The Government recall that the Constitutional Court Act offers the possibility to request the reopening of the proceedings before the Constitutional Court following the judgment of the Court.[[2]](#footnote-2)

The applicant in the case of *Z v. the Czech Republic* availed herself of this possibility in January 2025. In May 2025, the Constitutional Court [decided](https://nalus.usoud.cz:443/Search/GetText.aspx?sz=Pl-2-25_2) to reopen the proceedings in her case, and in July 2025, it [held](https://nalus.usoud.cz:443/Search/GetText.aspx?sz=Pl-2-25_3) in these reopened proceedings that the applicant’s human rights were violated by the respective decisions of police and prosecutor’s authorities, quashed these decisions and remitted the case for a new investigation.

The applicant in the case of *Y v. the Czech Republic* filed a request for reopening of the proceedings in June 2025; it is being processed by the Constitutional Court under no. [Pl. ÚS 27/25](https://www.usoud.cz/projednavane-plenarni-veci?tx_odroom%5Bdetail%5D=5623&cHash=768e778236c366cd190361c15db31d91).

Moreover, in August 2025, the Constitutional Court issued a decision concerning the compensatory proceedings brought by the applicant in the case of *Y v. the Czech Republic* in 2022: in these proceedings, she was seeking a compensation for non-pecuniary damage pursuant to Act no. 82/1998 on State liability for damage, in connection with the police decision to discontinue the criminal proceedings against her alleged sexual aggressor. Her action was dismissed by ordinary courts as time barred with the argument that if the applicant claims an irregular official conduct on the part of police authorities, consisting of the failure in their duty to conduct an effective investigation, the six-month time limit for submitting the claim (set by Act no. 82/1998) started to run when the police decision to discontinue the criminal proceedings was delivered to the applicant, i.e. already in 2017, whereas the applicant filed the action for compensation against the State only in 2022. The Constitutional Court in its [decision](https://www.usoud.cz/aktualne/pocatek-promlceci-lhuty-k-uplatneni-naroku-na-nahradu-ujmy-zpusobene-porusenim-prava-na-ucinne-vysetrovani) held that the judgments of the ordinary courts violate the applicant’s right to a compensation of damage caused by State, since the time limit for submitting the claim in her case will only start to run after the Constitutional Court issues its decision on the above-mentioned request of the applicant for reopening of the proceedings, because only on the basis of the Constitutional Court’s decision in the reopened proceedings it will become clear to what extent her right to effective investigation was violated. According to the Constitutional Court, the fact that the just satisfaction awarded by the Court in this case had already been paid to the applicant does not exclude that additional compensation could be assigned to her by domestic courts; however, the amount awarded to the applicant by the Court can be taken into consideration in these domestic compensatory proceedings.

In view of the above, the Government believe that no other individual measures need to be adopted in the applicants’ cases.

II. general measures

*A. Raising Awareness and analysis of the judgments*

The Ministry of Justice has informed the public about the judgments immediately after their delivery in the form of press releases ([here](https://mezisoudy.cz/aktuality/evropsky-soud-pro-lidska-prava-dnes-vydal-rozsudky-a-rozhodnuti-ve-ctyrech-vecech-proti-ceske-republice) and [here](https://mezisoudy.cz/aktuality/evropsky-soud-pro-lidska-prava-dnes-vydal-rozsudek-a-rozhodnuti-ve-trech-vecech-proti-ceske-republice)). It has further published the Czech translations of the judgments and their summaries in its online database of the international human rights case law ([mezisoudy.cz](https://mezisoudy.cz/databaze-judikatury))[[3]](#footnote-3) and the summaries also in the Government Agent’s Newsletter nos. 4/2024 and 2/2025 ([Zpravodaj KVZ)](https://mezisoudy.cz/zpravodaj-kvz). In addition, both the translations of the judgments and their summaries have been sent to all the public authorities involved in these cases.

After the delivery of the judgments, the Prosecutor General’s Office inserted the Czech translations of the judgments and their summaries into its internal database and informed about the judgments in the newsletters distributed to all Czech prosecutors.

The Supreme Court transmitted the judgments to the criminal divisions of all regional courts.

The execution of the judgment in the case of *Z v. the Czech Republic* was further discussed at the 11th meeting of the Committee of Experts for the Execution of Judgments of the Court and the Implementation of the Convention[[4]](#footnote-4) held on 11 December 2024 (the background materials for this meeting, as well as the summary of the debates, are available [online](https://mezisoudy.cz/vykon-rozsudku-eslp-a-rozhodnuti-dalsich-mezinarodnich-lidskopravnich-organu/z-proti-cr-stihani-sexualniho-nasili)). At the 12th meeting of the Committee of Experts, which took place on 15 May 2025, the case of *Y v. the Czech Republic* was covered via the background materials, also available [online](https://mezisoudy.cz/vykon-rozsudku-eslp-a-rozhodnuti-dalsich-mezinarodnich-lidskopravnich-organu/z-proti-cr-stihani-sexualniho-nasili); due to its similarity with the case of *Z v. the Czech Republic*, it was not included in the oral debates.

In August 2025, an analysis of both judgments was published in the [editorial](https://eslp.nsoud.cz/vyber/22092/) of the quarterly magazine *Selection of the judgments of the European Court of Human Rights for judicial practice*, No. 3/2025, issued by the Supreme Court of the Czech Republic in cooperation with the Government Agent’s Office.

*B. Measures required in czech legal order*

It follows from the written consultations carried out by the Government Agent’s Office with all the relevant public bodies, as well as from the above-mentioned meetings of the Committee of Experts, that in order to implement the judgments, it is **not necessary to amend the existing Czech legal regulation**. This is mainly due to the fact that the cases at hand were governed primarily by the Criminal Code effective until 31 December 2009 (Act no. 140/1961). In the meantime, however, the Czech Republic has introduced a new Criminal Code (Act no. 40/2009) and its amendment (Act no. 166/2024) which are better aligned with the requirements contained in the Court’s judgments.

1. Act no. 40/2009, the Criminal Code (effective since 1 January 2010)

In its judgment in the case of *Z v. the Czech Republic*, the Court itself remarked that the new Czech Criminal Code and related the case-law of the Supreme Court represent a more appropriate State response in the given area (§ 59 of the judgment):

* In particular, the Court made a reference to the offence of **rape** as defined by Section 185(1) of Act no. 40/2009, where, according to the Supreme Court, in order for the definition of “force” to be met, “it is not necessary for the injured party to have put up evident physical resistance; it is sufficient that the injured party’s objection to the offender’s conduct must have been obvious to the offender” (Supreme Court’s decision no. 11 Tdo 294/2014 of 26 March 2014), while this objection might be expressed also nonverbally, e.g. by a body position (Supreme Court’s decision no. 8 Tdo 699/2021 of 4 August 2021) or by pulling away or passivity (Supreme Court’s decision no. 7 Tdo 1023/2021 of 10 November 2021).
* The Court’s judgment also draws attention to the fact that according to the domestic authorities involved in the case at hand, it might have been possible to assess the conduct of the suspect as an offence of **sexual coercion** in the sense of Section 186(2) of the Act no. 40/2009. This offence, newly introduced by Act no. 40/2009, applies to all sexual acts where the perpetrator exploits the victim’s dependence or his or her own position and the trustworthiness or influence resulting therefrom. The above interpretation seems to be confirmed by the recent case-law of the Supreme Court which includes under the offence of sexual coercion also the conduct of a Catholic priest against adult members of the church who regarded the priest as a religious authority (Supreme Court’s decision no. 6 Tdo 450/2017 of 27 November 2017).
1. Act no. 166/2024, Amending act no. 40/2009 (effective since 1 January 2025)

The latest amendment to the Criminal Code brings three important changes in the area affected by the Court’s judgments:

* *First*, the new definition of **rape** under Section 185(1) of Act no. 40/2009 covers not only sexual intercourse obtained by force or exploitation of victim’s defencelessness, but also sexual intercourse conducted “against the recognizable will” of the victim.
* *Second*, the amendment widens the scope of the offence of **sexual coercion** under Section 186(2) of Act no. 40/2009: according to the new definition, this offence relates not only to exploitation of the victim’s dependence or of the perpetrator’s position and the trustworthiness or influence resulting therefrom, but also to exploitation of the victim’s distress.
* And *third*, the amendment, in its newly introduced Section 119a, provides the definition of the concept of **defencelessness**, and includes here also the situations when the victim is “paralysed by strong stress”.
1. Using the Court’s judgments as a guideline for application of Czech law

In the light of this development of domestic legislation and jurisprudence, the Government are of the opinion that the execution of the Court’s judgments does not require to change the current legal regulation. Rather, it calls for **employment of the principles contained in the judgments in the application of the existing legislation**.

To this effect, the representatives of the Government Agent’s Office have already discussed the Court’s judgment in the case of *Z v. the Czech Republic* within a lecture for Czech criminal judges in October 2024, and plan to further address both judgments in the framework of regular trainings for judges provided mainly under the auspices of Judicial Academy, i.e. within the seminar for the judges of the Supreme Court scheduled for September 2025, as well as the lecture for criminal judges planned for November 2025.

Furthermore, in March 2025, the Government Agent’s Office published a [Key Theme](https://mezisoudy.cz/tematicke-prirucky/sexualni-nasili) on the topic of the sexual violence. It includes an overview of general principles arising from the Court’s case-law concerning criminalisation, investigation, prosecution and punishment of sexual offences, as well as of relevant domestic jurisprudence. This material is available online and was transmitted to all relevant domestic bodies so that they are aware to what aspects they should pay particular attention.

III. Conclusion

On the basis of the above, the Government of the Czech Republic are of the opinion that the individual and general measures taken are sufficient and propose to the Committee of Ministers to close its supervision of the execution of the above judgments.

1. Details about the payments could be requested from the Office of the Czech Government Agent. [↑](#footnote-ref-1)
2. Section 119 of the Constitutional Court Act as amended by Act no. 404/2012 provides, *inter alia*, that if the Constitutional Court has previously ruled in a case in which an international court finds a violation of human rights or fundamental freedoms guaranteed by an international treaty, it is possible to file a request for reopening of the proceedings in which the ruling was given. Section 119b provides, *inter alia*, that if Constitutional Court’s previous judgment (*nález*) was inconsistent with the decision adopted by the international court, it must set it aside. If the Constitutional Court sets aside its judgment, it deals anew with the original constitutional appeal and the new judgment should be based on the legal opinion of the international court. [↑](#footnote-ref-2)
3. In June 2024 the Ministry of Justice officially launched a new website (<https://mezisoudy.cz/>) dedicated to international protection of human rights. The website is run by the Government Agent’s Office. It includes a database, which provides access to the case-law of the Court. The database contains all the judgments of the Court in the language in which the Court issued them. Above that, the database contains translations of all judgments of the Court against the Czech Republic, hundreds of translations of the most important judgments of the Court delivered against other States and more than 1 700 legal summaries compiled in the Czech language of other relevant and significant judgments and decisions of the Court. The database also connects the case-law of the Court with the case-law of the Constitutional Court of the Czech Republic and the jurisprudence of the European Committee on Social Rights and United Nations Treaty Bodies. [↑](#footnote-ref-3)
4. Established as a follow-up to the obligation to reinforce the implementation of the Convention at the national level agreed by and between the Contracting Parties to the Convention at the High-level Conference on the “Implementation of the European Convention on Human Rights, our shared responsibility” of 27 March 2015, it is the Government Agent’s advisory body which serves as a forum for analysing and formulating recommendations to the authorities in terms of suitable measures to be adopted for the purpose of implementing the Court’s judgments. It is composed of representatives of all ministries, both Chambers of Parliament, highest courts, Office of the Supreme Public Prosecutor, Office of the Public Defender of Rights, academic staff and members of various NGOs operating in the field of fundamental human rights. [↑](#footnote-ref-4)